

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RONALD R. SANTOS,

Plaintiff(s),

vs.

ISIDRO BACA, et al.,

Defendant(s).

Case No. 2:11-cv-01251-KJD-NJK

ORDER

(Docket No. 143)

Presently before the Court is Plaintiff's motion for a court order permitting him to communicate with four fellow inmates using "legal mail." Docket No. 143. Defendants filed a Response, and Plaintiff replied. Docket Nos. 146, 153.

I. BACKGROUND

This a prisoner's civil rights case. Plaintiff claims that, *inter alia*, various policies at the Nevada Department of Corrections ("NDOC") have unconstitutionally and unlawfully limited the expression of his Jewish faith. Docket No. 36. Plaintiff's motion therefore seeks an order from the Court granting him the ability to communicate with four other Jewish inmates for the purpose of obtaining evidence relating to his claims using "legal mail." Docket No. 143 at 1. NDOC's Administrative Regulation 722.08 defines "legal mail" as privileged, confidential mail addressed to an attorney or legal representative. Docket No. 146-1 at 26. *See also* http://doc.nv.gov/About/Administrative_Regulations/Administrative_Regulations__700_Series/. Plaintiff seeks to use legal mail because it would permit

1 him to have confidential communications with his fellow inmates. Docket No. 143 at 2.

2 **II. ANALYSIS**

3 Prison inmates enjoy a First Amendment right to send and receive mail. *Thornburgh v. Abbot*,
4 490 U.S. 401, 407 (1989). “However, these rights must be exercised with due regard for the
5 inordinately difficult undertaking that is modern prison administration.” *Id.* (citing *Turner v. Safley*,
6 482 U.S. 78, 85 (1987)) (internal quotations omitted). “Running a prison . . . requires expertise,
7 planning, and the commitment of resources, all of which are peculiarly within the province of the
8 legislative and executive branches of government.” *Turner*, 482 U.S. at 84-85. “Prison administration
9 is, moreover, a task that has been committed to the responsibility of those branches, and separation of
10 powers concerns counsel a policy of judicial restraint.” *Id.* Courts recognize that they “are ill equipped
11 to deal with the increasingly urgent problems of prison administration and reform, and, therefore, accord
12 deference to the appropriate prison authorities. *Id.* (internal quotations omitted). Accordingly, “a
13 prison may adopt regulations which impinge on an inmate’s constitutional rights if those regulations are
14 reasonably related to legitimate penological interests.” *Witherow v. Paff*, 52 F.3d 264, 265 (9th Cir.
15 1995). “Legitimate penological interests include security, order, and rehabilitation.” *Id.*; *see also*
16 *Turner*, 482 U.S. at 93 (holding limitation on inmate-to-inmate correspondence was reasonably related
17 to the valid goals of institutional security and safety).

18 Plaintiff’s request violates two NDOC Administrative Regulations (“AR”): AR 750.4 and AR
19 722.8. Docket No. 146 at 2-3. AR 750.04 prohibits correspondence between incarcerated persons who
20 are unrelated and are not co-defendants, while AR 722.8 limits the use of legal mail to correspondence
21 with an attorney or legal representative. Docket No. 146-1, 146-2. *See also* [http://doc.nv.gov/About/
22 Administrative_Regulations/Administrative_Regulations__700_Series/](http://doc.nv.gov/About/Administrative_Regulations/Administrative_Regulations__700_Series/).

23 Here, Plaintiff does not seek leave to communicate with co-defendants or relatives, nor does he
24 desire to correspond with an attorney or a legal representative. Rather, he desires this Court to issue an
25 order granting him the ability to have confidential correspondence with four fellow inmates. Docket
26 No. 143 at 2. Thus, Plaintiff asks this Court to authorize correspondence that would be violation of
27 NDOC’s regulations. Consistent with the deference that courts accord prison authorities, the Court finds
28 that NDOC reasonably concluded that permitting confidential correspondence between inmates would

1 create obvious security risks. Accordingly, Plaintiff's motion seeking a court order permitting him to
2 communicate via legal mail with four fellow inmates is hereby DENIED.

3 **IT IS SO ORDERED.**

4 DATED: September 16, 2015

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7 NANCY J. KOPPE
8 United States Magistrate Judge
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